

Attorney Docket No. 040250

REMARKS

Claims 1-19 were pending in the present application, of which claims 1, 8, 12 and 16 are independent. New claims 20-22 have been added. After entry of the above amendments, claims 1-22 are pending in the present application, of which claims 1, 8, 12, 16 and 20 are independent. Applicants believe that the present application is in condition for allowance, which prompt and favorable action is respectfully requested.

I. COMMENTS TO RESPONSE TO ARGUMENTS/AMENDMENTS

The Applicants thanks the Examiner for pointing that the claims submitted were not the most currently pending set of claims. The claim set submitted with the current response has been corrected and appropriately marked.

Also, the Examiner also states that the limitation "determining a wide-band interference" is not in currently submitted claims 1, 8, 12, 16. Upon careful review, it seems that the limitation is in currently pending claims as well as in previously submitted claims 1, 8 and 16. Accordingly, Applicants are unclear as to the Examiner's response regarding claims 1, 8 and 16, particularly as the Examiner addresses the limitation of "wide-band interference" in the rejection of claims 1-19 under 35 U.S.C. §103.

II. REJECTION UNDER 35 U.S.C. §103

The Examiner maintained the rejection of claims 1-19 under 35 U.S.C. §103 as being unpatentable over U.S. Patent No. 6,788,138 issued to Suzuki (hereinafter "Suzuki") in view of U.S. Patent Application Publication No. 2002/0137535 issued to Hunzinger (hereinafter "Hunzinger"). Applicants respectfully disagree and request the Examiner to reconsider the rejection in light of the remarks set forth below.

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To establish a prima facie case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the reference themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim elements. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, not in applicant's disclosure. (MPEP 2143)

In the rejection, the Examiner states that Suzuki discloses determining whether a wide-band interference is above or below a threshold by equating interference with "error from transmission power designate value, negative fed-back of detection voltage" and by equating determining the allegedly disclosed wide-band interference with "detecting negative fed-back of detection voltage is lower or higher than threshold." Applicants respectfully disagree with the Examiner's characterization of Suzuki.

Suzuki teaches an improved transmission power control circuit capable of ensuring a wide dynamic range of transmission power using a general inexpensive detecting circuit having a simple architecture (col. 1, lines 6-10, col. 2, lines 13-29). Particularly, Suzuki teaches a circuit comprising a control section that receives an electrical signal indicating a designated level of a transmission power and a detection voltage to set a control voltage to output a transmitting wave (col. 2, lines 29-65).

In the rejection, the Examiner seems to be equating the detection voltage with the interference. However, upon careful reading of Suzuki, the detection voltage is used to control the level of transmission power as closely as possible to a desired level of transmission power (Figures 1, 2 and 5; col. 1, lines 12-15 and lines 22-59; col. 6, lines 44-65). It teaches a close loop and open loop power control to control the level of transmission power as closely as

possible to the desired level of transmission power. The close loop and open loop power control is not based on a level of interference.

There is nothing in Suzuki to even suggest a power control based on a wide-band interference. In the rejection, the Examiner admits that Suzuki does not exactly disclose "determining a wide-band interference." Applicants submit that Suzuki, in entirety, does not even mention "wide-band interference" let alone "interference."

The Examiner relied upon Hunzinger to allegedly cure this deficiency.

Hunzinger teaches using an open-loop power control during a connection rescue procedure (page 1, paragraph 0003). It merely mentions that, in CDMA systems, signals can be received in the presence of wide-band interference, thereby needing error correction (page 2, paragraph 0015).

Again, Applicants respectfully submit that there is no teaching or suggestion within the art to make the combination proposed by the Examiner. Particularly, Hunzinger teaches performing open-loop power control during a rescue. It does not teach or even mention interference detection or voltage detection in relation to power control. Therefore, it would not have been obvious or desirable to one having ordinary skill in the art to make the specific combination of the closed-loop power control and determining a wide-band interference.

Additionally, even if the references could be combined, which Applicants maintain that they cannot, the resulting combination fails to teach or suggest the claimed subject matter as set forth in independent claims 1, 8, 12 and 16. Specifically neither Suzuki nor Hunzinger, separately or combined, teach or suggest enabling [or disabling] closed-loop power control in response to detecting a wide-band interference above [or below] a threshold.

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Accordingly, Applicants respectfully submit that the Examiner has failed to set forth a prima facie case of obviousness and respectfully requests that the rejections of independent claims 1, 8, 12 and 16 be withdrawn.

Also, claims 2-7, 9-11, 13-15 and 17-19 depend from and include all the elements cited in the independent claims 1, 8, 12, and 16, respectively. Therefore, Applicants submit that these claims are believed to be allowable based on their dependency from an allowable base claim as well as other novel features included therein.

For at least the foregoing reasons, Applicants respectfully request a withdrawal of the rejection under 35 U.S.C. §103.

III. NEWLY SUBMITTED CLAIMS

Applicants submit that neither Suzuki nor Hunzinger, separately or combined, teach or suggest at least the element of determining whether an interferer is a narrow-band interferer or a wide-band interferer as in claims 20-22. Therefore, new claims 20-21 are also allowable.

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CONCLUSION

In light of the amendments contained herein, Applicants submit that the application is in condition for allowance, for which early action is requested.

Please charge any fees or overpayments that may be due with this response to Deposit Account No. 17-0026.

Respectfully submitted,

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